

REMARKS

All claims other than claims 40-47 and 54 have been canceled in order to expedite prosecution and simplify the issues for appeal. Applicant does not intend to surrender the subject matter of the canceled claims, but rather reserves the right to prosecute those claims in a continuing application.

At issue is whether it would have been obvious to attach the tissue dispenser of Yates or Cole at a shower stall in view of Wilson (see sections 20, 21 and 25 of the Official action). Applicant submits that there exists no such teaching in Wilson.

Wilson's invention relates to a bathroom "fixture" (column 1, line 14, i.e., a soap holder or toilet tissue dispenser). Wilson's invention is based upon the fact that, due to traditional bathroom design, soap dispenser fixtures and toilet tissue dispenser fixtures are typically permanently fixed where they are susceptible to being splashed by water from a shower or bathtub. That is, a soap holder fixture needs to be located at the tub or shower stall, and the location of the toilet tissue dispenser fixture is basically dictated by the location of the toilet.

In contrast, neither Yates nor Cole relates to a "fixture" but rather relates to a portable dispenser that can be placed virtually anywhere. That is, neither Yates nor Cole relates to a toilet tissue fixture, but rather relates to a portable facial tissue dispenser.

Due to problems resulting from facial tissues getting wet, a user would naturally tend to locate the dispenser of Yates or Cole far enough from the tub or stall to avoid being splashed. Wilson's disclosure is not inconsistent with such a tendency. That is, Wilson does not encourage or even suggest the positioning of the Yates or Cole tissue dispenser near the tub or stall. Wilson is dealing with fixtures that cannot be moved, and whose fixed locations usually cause the soap or toilet tissue to be splashed. Wilson's invention is premised upon keeping soap or toilet tissue dry. Thus, the message that anyone would glean from Wilson is to keep tissues away from the tub or stall, if possible, but if that is not possible (as in the case of fixtures), then use the Wilson cover. But Yates and Cole disclose portable

tissue dispensers that can be kept away from the tub or stall and that is what a person would tend to do. There is nothing to the contrary in Wilson's disclosure.

Nowhere in the art of record is there even the remotest suggestion of positioning a portable facial tissue dispenser of the type disclosed by Yates or Cole at a shower stall.

Accordingly, it is submitted that the application is in condition for allowance.

Respectfully submitted,

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